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SIPDIS

SENSITIVE
SIPDIS

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E.O. 12958: N/A

TAGS: [ASEC](#) [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PHUM](#) [PREF](#) [SMIG](#)
SUBJECT: SEVENTH ANNUAL TRAFFICKING IN PERSONS REPORT: YEMEN

REF: A. A: STATE 00202745
[1](#)B. B: SANAA 00516

[1](#)1. This message is post's response to ref A.

[1](#)2. Note: Post requests that no/no name or entity cited in this report be publicly mentioned or quoted for any/any reason without prior clearance with post. Post relies heavily on these sources and has invested much time gaining their confidence. Each one of them has noted separately that they would speak on this issue only after post assured them that their names and/or entity would be protected. End Note.

[1](#)3. Point of contact for TIP-related issues:
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[1](#)4. Abbreviations used throughout this cable:

Attorney General's Office	AG
Arab Foundation for Supporting Women and Juveniles	AFSWJ
Force Protection Detachment	FPD
The Higher Council for Motherhood & Childhood	HCMC
International Organization of Migration	IOM
Ministry of:	
Foreign Affairs	MFA
Human Rights	MHR
Interior	MOI
Justice	MOJ
Labor and Social Affairs	MLSA
Republic of Yemen Government	ROYG
Trafficking in Persons	TIP
United Nations Children's Fund	UNICEF
Women Foundation for Research and Training	WFRT

[1](#)5. Begin report text:

Overview of TIP in Yemen

[1](#)A. Yemen is a country of origin for internationally trafficked children and there are isolated and unsubstantiated reports that it is a country of destination and origin for sex trafficking of foreign women into Yemen and Yemeni women to Saudi Arabia, respectively. Trafficked Yemeni children are smuggled over the northern border into

Saudi Arabia to work primarily as beggars. A small number of foreign and Yemeni women may be the victims of trafficking for the purpose of prostitution. No reliable estimate on the scope of these problems exist. More information is available, however, on child trafficking.

Trafficked Yemeni children are usually transported across the border to Saudi Arabia by smugglers known or related to their families, and usually with their parents' consent. UNICEF estimates that 97 percent of trafficked children are boys. Trafficked children range in age from 7-16, with the majority being between 12-14 years old.

The number of possible TIP victims in Yemen currently cannot be estimated with any accuracy. Yemen has poor government infrastructure and little ability to collect and maintain reliable statistics. According to the UNICEF representative in Yemen, it is impossible to account for the number of Yemen child victims of trafficking, or to distinguish them from children migrating to Saudi Arabia with their families for economic reasons.

Available sources on trafficking in persons in Yemen are: UNICEF, the AG's Office, MHR, MOI, MLSA, NGOs, and local journalists, members of the foreign refugee community, and prostitutes.

1B. Yemen is a country of origin for children trafficked to Saudi Arabia. The sources of child trafficking in Yemen are the poor northern regions of the country, particularly in the governorates of Hajja and al-Mahweet, close to the Saudi Arabian border. Yemeni children are trafficked to Saudi Arabia primarily for the purpose of unskilled labor, begging

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or street vending. The traffickers are almost always well known by, if not related to, the family; children are usually trafficked with parental consent. Parents are either paid or promised money in exchange for allowing their children to be trafficked.

There are foreign prostitutes in Yemen, particularly from other Arab countries, located primarily in the southern port city of Aden and in Sanaa. Other prostitutes come to Yemen as economic migrants from East Africa, most specifically from Eritrea, Ethiopia and Somalia. There have been reports of Eastern European women in Aden. Most recent unconfirmed estimates place the number of prostitutes in the country in the high hundreds during most of the year.

The evidence suggests that the overwhelming majority of prostitutes over the age of majority are not/not victims of trafficking for the purpose of sexual exploitation. Isolated and uncorroborated reports further suggest that, if they exist, the number of women subject to sexual trafficking or debt-bondage situations would be small and most likely present in Sanaa.

Before reaching this conclusion, post conducted interviews with officials from the MOI, MHR, a senior editor of "Al-Wasat" Newspaper, and several NGO heads, including the head of the AFSWJ. Post also informally interviewed approximately 20 prostitutes and/or belly dancers and three unnamed pimps. Interviews occurred throughout the year and involved embassy personnel from the political/economic section and the U.S. military's Force Protection Detachment (FPD). Research for sex-trafficking was conducted most heavily by FPD and poloff was able to ascertain much of the information from Aden due to FPD's site visits. Interviews provided consistent assertions, which were heavily weighed against possible alternatives.

Interviews with our sources, including local prostitutes and NGOs, indicate that the overwhelming majority of women are here of their own volition and that most prostitutes acclimate each other to prostitution and act as each other's

support system. Interviews also indicate that women choose different vehicles to provide sexual services, including employing a pimp. There is no evidence to indicate that men who act as pimps use force, threat or coercion against the prostitutes. Many prostitutes also indicated that they returned to their home countries intermittently throughout the year.

There are allegations that women under the age of consent are trafficked -- per definitions specified in Trafficking Victims Protection Act (TVPA) and the UN Protocol on Trafficking in Persons -- into and within the country. AFSWJ confirms this allegation, noting that some of its clients are in fact underage women coming out of prostitution. AFSWJ notes, however, that they had no new under-aged clients in 2006, but one remained from previous years, who is currently 17 years of age. AFSWJ asserts that most women under the age of legal consent are Yemeni nationals trafficked from their homes to other regions within the country for the purposes of prostitution.

During follow-up site visits to Aden in 2007, FPD ascertained from Yemeni government contacts that two under-aged Yemeni prostitutes were arrested, after running away from their homes. The two girls were kept in juvenile detention for approximately one to three months before being returned to their families. The (female) pimp was arrested by authorities as well, and sentenced to approximately three months in jail. Post cannot determine the exact time of these arrests, and FPD notes that the pimp may still be in incarceration. Local contacts stated that cases of run-away under-aged Yemeni girls are common. Girls, coming from all areas of Yemen, run-away to escape an arranged marriage or other form of family pressure. They flee to Aden, as it is considered the most liberal city in Yemen. In Aden, they find pimps to employ them or pimps find them, through their vulnerabilities of being alone in a strange city.

In the past, AFSWJ has indicated that virtually all prostitution may be organized and speculates that low-level

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government and security officials operate or are complicit in sex trafficking within the country. There are also intermittent rumors of gangs running prostitution rings; however, site visits and interviews produced no evidence to support these allegations.

Smuggling of migrants from the Horn of Africa (HOA) is a problem. Some of these women find employment as prostitutes. There is no evidence that these migrants are trafficked for the purpose of sexual exploitation.

No affirming evidence can be found on trafficking of Yemeni women to Saudi Arabia for the purpose of sexual exploitation.

This is an extremely sensitive subject for Yemenis, more so than foreign prostitution in Aden. Yemen as an origin country for sex trafficking is not discussed nor recognized, unlike the other forms of trafficking previously mentioned. Poloff was able to conduct interviews with the senior editor and founder of Al-Wasat (independent) newspaper, who related that sex trafficking of Yemeni women to Saudi Arabia does occur. He emphasized that this was not a generalized "phenomenon," but rather a few individual cases. He explained that during the 1990s, sex trafficking of Yemeni women was a significant problem that subsided after unification.

Senior officials recognize the need to address the problem of child-labor oriented trafficking, although there is no government-wide understanding of the issue. In 2006, several ministries cooperated with UNICEF and the IOM to combat child trafficking. The government has taken some practical steps, but some confusion still remains as to the difference between migrant smuggling and trafficking. MOI officials recognize that trafficking exists and must be remedied, yet are still

sensitive to the idea. Government officials' willingness to seriously combat sex trafficking is untested, although minor arrests (see part B) show progress in combating TIP. There is no credible evidence that ROYG officials are themselves involved or complicit, yet it is unlikely that prostitution could occur without some type of approval or monitoring from the government.

1C. The ROYG has limited resources to devote to TIP. Although the ROYG continues to step up its TIP assessment efforts and has implemented training of security forces, its ability to prevent TIP, prosecute traffickers, and protect victims is extremely limited due to limited resources, including funding, skills, extreme poverty, low literacy, weak institutions, and a porous 1400-kilometer border with Saudi Arabia. The ROYG also lacks sufficient resources to effectively protect TIP victims. Although there is a general lack of education on TIP among ROYG officials and the Yemeni population as a whole, there has been a considerable change in the attitude towards this issue and acceptance of the reality by many senior authorities. Officials at MOI, MLSA, and MHR have expressed a willingness to partner with the United States in programs to raise TIP awareness and educate and train security and law enforcement officers, as well as court officials.

Corruption is a serious problem in Yemen. In February 2006, President Saleh formed a new cabinet, citing the need to combat corruption throughout the government. The ROYG passed legislation in December 2006 to create an independent anti-corruption body, but it has not yet been fully implemented. It is likely that corruption affects TIP, as it does virtually every other issue, but there is no substantial proof to support this link.

1D. The government does not systematically monitor its anti-trafficking efforts. The MOI receives internal reports on illegal movement of children crossing the border but does not systematically share these reports with other ministries or international organizations. MLSA, MHR, and HCMC regularly provide information on their prevention and assistance efforts to international organizations. No formal mechanism exists, however, by which to distribute information or assess the effectiveness of anti-trafficking programs. Despite this, there has been a significant increase in 2006 of media coverage on TIP-related issues, often with unnamed government sources.

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Prevention

1A. TIP is still relatively new as an issue of public discussion in Yemen. Ministers and officials at the MOI, MLSA and MHR recognize that child trafficking is a problem in Yemen, although the term "trafficking" causes sensitivities and many officials habitually refer to child trafficking as "smuggling." Not all ROYG officials recognize trafficking as a distinct problem, with many directly attributing trafficking to poverty and illiteracy. Sex-trafficking is even less recognized and discussed. The MHR discussed with poloff the predicament of Yemen as a destination country for sex-trafficking, yet commented very little on it, as it did not have much information gathered on the subject; its major focus was child trafficking to Saudi Arabia. Yemen as a country of origin for sex-trafficking was not discussed by any ROYG officials.

When specific TIP-related problems are raised with the ROYG, officials usually acknowledge the situation and often look for practical solutions. For example, the ROYG has consistently cooperated with UNICEF in establishing anti-TIP measures and programs in the affected northern governorates.

¶B. ROYG agencies involved with anti-trafficking efforts include: MHR, MOI (including immigration and border control), MLSA, MFA, MOJ, and the AG's office. No agency has been tasked to lead the anti-trafficking effort.

¶C. MLSA sponsors a limited TIP awareness campaign in targeted northern areas to educate families and local leaders on the dangers of child trafficking. In 2005, the ROYG created a more comprehensive plan to raise public awareness of the issue. The information campaign, created with the assistance of UNICEF and IOM, distributed printed materials, videos and radio messages to educate parents and local leaders on the negative consequences of child trafficking. This program was implemented in 2006.

A documentary video and an album of traditional songs were produced. A cartoon series was produced tackling issues related to child trafficking. Several other messages are regularly broadcasted from radio Hajja and the TV program of the MOI. According to UICEF, in 2006, 4000 children, families, local concils, religious leaders, and teachers have acured a better understanding of TIP and are more aare of the risks and consequences of child trafficking through awareness campaigns.

With the supprt of UNICEF, the MHR established a telephone holine for citizens to report suspected cases of tafficking. The MHR also distributed information o the hotline in the four regions where child traficking is most prevalent - Hajja, Al-Maharah, Saada and Al-Mahweet. As of January 2006, 102 susedted cases of trafficking had been reported through the hotline. However, due to a lack of techical capacity and cooperation from the Ministry of Communications, the hotline is no longer operatioal. The MHR expressed the need for this hotline and asked for any technical assistance to have it re-launched.

¶D. The ROYG supports many programs that do not specifically target TIP but aid in TIP prevention, such as government-wide efforts to increase literacy among women, combat violence against women, expand women's awareness of their legal rights and increase the role of women in political life. The ROYG also has an active program for combating child labor.

¶E. The MLSA, MHR and MOI actively cooperated with UNICEF and IOM on a variety of anti-trafficking efforts. There are no NGOs in Yemen that are focused solely on TIP issues. Post believes that the ROYG would cooperate with NGOs to combat TIP in Yemen because it has a record of working well with NGOs on women's and children's issues, including: combating violence against women, promoting women's rights, and improving child labor regulations. There is a network of organizations that works with women victims of violence and prostitution.

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¶F. Yemen is surrounded by ocean, rugged mountains and desert, making its borders difficult to control. Smuggling and illicit trade are common problems. The United States is assisting the ROYG with border security control through the Terrorist Interdiction Program and by providing equipment and training assistance to the Yemen Coast Guard. Effective border control remains nascent and the capacity of the ROYG to monitor emigration and immigration patterns for trafficking in persons is limited. In 2005, UNICEF provided equipment and training to MOI officials to create a database for information collected on child trafficking and smuggling, which is still in use today. Government officials continue to produce monthly reports on how many children are taken into custody at border crossings for suspicion of being illegal emigrants or trafficking victims.

¶G. HCMC, under the authority of the Council of Ministers, coordinated government efforts against child trafficking through the Technical Committee to Combat Child Smuggling,

which was formed February 2006. This committee brings together members from all relevant government ministries. There is no mechanism to survey the effectiveness of this committee, and thus, the head of HCMC, Dr. Nafisa al-Jaifi, expressed the need for capacity building in order to establish such a mechanism. There is no equivalent committee for sex-trafficking. The government does not have a single point of contact for TIP-related issues. The government does have a high-level committee to combat corruption.

1H. The ROYG does not yet have a formal national plan of action to address TIP. However, in partnership with IOM, the national action plan was drafted by the technical committee with the support of an international expert. A one day national consultation workshop was conducted. One-hundred and two representatives of related ministries at local and national levels, local councils, NGOs, and parliamentarians were consulted in the components of the plan. The draft will be revised based on the recommendations of the consultation.

Investigation and Prosecution of Traffickers

1A. There are no laws that specifically outlaw TIP. In 2005, MOJ and the Higher Council for Motherhood and Childhood completed a comprehensive review of all laws and regulations pertaining to children. In 2006, HCMC, with MSAL, MOJ, MOI, MHR, MLA, and concerned organizations drafted amendments to current laws addressing child protection, and submitted them to Parliament, which is currently discussing them. There are laws that can be applied specifically to TIP. The laws fall within the categories of personal status law, juvenile law, law of crimes and punishment, child rights law, and the law of military crimes and punishments. The amendments include an addition to the crimes and punishment laws, with the title of "child exploitation crimes." This entails various punishment criteria on child smuggling, sexual exploitation of children, and exploiting children for the purpose of begging. Article 262 under child smuggling, for example, stipulates, "any person who transports a child under 18 years of age to another state with the purpose of illegal exploitation shall be penalized with imprisonment not more than five years and the punishment shall be a period of imprisonment not more than seven years if the criminal uses deception or coercion. If the act of transporting involves sexual harassment or physical harm, the criminal will be penalized with an imprisonment period not less than three years and not more than 10 years."

The current Article 248 of the Yemeni Penal Code stipulates a prison sentence of 10 years for "anyone who buys, sells, or gives as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him."

The penalty for traffickers under Article 248 of the Yemeni Penal Code is up to ten years in prison. If the offense prosecuted under Article 248 is committed against a child, the prison term can be extended to 15 years.

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Article 47 of the Yemeni Constitution stipulates, "The State shall guarantee to its citizens their personal freedom, preserve their dignity and their security."

1B. Article 249 carries a penalty of seven years in prison for kidnapping and the death penalty in kidnapping cases that include sexual assault or murder. Articles 146, 147 and 161 of the Child's Rights Law protect a child from sexual molestation, economic exploitation, prostitution and other illegal activities. While only Article 248 appears to explicitly punish trafficking, the other articles outlined above could presumably be used to prosecute traffickers as well.

1C. There is no formal law on labor trafficking; however, a law has been drafted by the Ministry of Legal Affairs in 2006 and is now before the Cabinet, which must approve it before Parliament can act on it.

1D. The penalty for rape is up to seven years in prison. If two or more persons jointly commit the rape, the punishment is a maximum of ten years. If the victim of the rape is less than 14 years, the penalty carries a maximum of 15 years.

1E. All aspects of prostitution are criminalized, including the activities of brothel owners and operators. Laws against prostitution are intermittently enforced.

1F. The ROYG significantly increased its efforts to prosecute child trafficking cases in 2006. The MLSA reports that 12 traffickers of children were successfully convicted and sentenced in 2006. Although the exact length of each sentence is unknown, the range is from six months to three years in prison. At the end of 2005, there were at least 14 traffickers apprehended by authorities. The number of convictions has decreased from previous years. There were no cases of prosecutions against traffickers for sexual exploitation. The inability of Yemeni authorities to provide detailed case information is not unusual; the Yemeni judicial and law enforcement system is fragmented and disorganized, with court decisions still hand-written and court records decentralized.

1G. Most child smugglers are freelance operators who are often related to their child victims, or at a minimum known to their families. Child smuggling to Saudi Arabia appears to be due to dire economic conditions and there are no indications of international organizations being involved. UNICEF, local journalists covering the issue of child smuggling, and MOI and MLSA officials describe the child trafficking network as loosely organized. UNICEF notes in its 2005 report that the organization is "not on the scale of an international crime syndicate." This is still indicative of the situation in 2006. Taxi drivers or smugglers pick up some children who start the journey on their own along the routes. Families that allow their children to go to Saudi Arabia live in extreme poverty, have large families and are either given or promised money. In some cases, families of victims approach the traffickers. There are no reports that government officials are involved, but it is a possibility.

Post does not believe that organized gangs or syndicates are behind prostitution in Aden. Post does not have information on how prostitution operates in Sanaa. For women over the age of majority, there is no evidence to indicate that prostitution in Yemen involves sex trafficking. Many allege that prostitution rings in Yemen, should they exist, might involve government officials, including customs, border and law enforcement officials, who are at least aware of the practice. For example, hotels in Aden where Yemeni and foreign prostitutes ply their trade are always monitored by officers of the MOI and Political Security Organization (PSO). In the past, AFSWJ has speculated that low-level government and security officials operate or are complicit in prostitution within the country.

In cases where there may be a sex trafficking problem with victims under the age of 18, it is unknown who is behind it or whether or not it is organized.

1H. In 2006 the ROYG intensified investigations of child

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smuggling, although the MOI's investigation and surveillance skills and capabilities remained limited and rudimentary. In Yemen migrant smuggling and trafficking cases are many times intermingled. For example, many times children who are billed as "trafficked" in fact emigrated to Saudi Arabia with their families. Other times, children apprehended in Saudi

Arabia and repatriated to Yemen lie to authorities in order to protect their families who were still living in Saudi Arabia.

I. In 2005, the government stepped up specialized training to border guards on how to recognize instances of trafficking. In conjunction with IOM and UNICEF, the ROYG trained 40 MOI personnel on TIP law enforcement and assistance to victims of smuggling. To assure continuity, 10 additional border officials were selected to act as future trainers. UNICEF, however, did not continue the training program in 2006. There were no reports of ROYG officials receiving any specialized training on how to investigate or prosecute trafficking cases.

J. Saudi Arabian authorities routinely repatriate smuggled children to Yemen. In 2004, Yemen and Saudi Arabia established a bilateral committee to combat child trafficking. The committee, facilitated by UNICEF, has met twice in Riyadh and Sanaa, respectively. A Memorandum of Understanding was drafted during the meetings; a third meeting is scheduled for March 2007 to further discuss anti-TIP initiatives dealing with children.

K. The Yemen Constitution prohibits the extradition of its citizens. Post is unaware of any extradition of persons charged with trafficking.

L. Post cannot confirm any government involvement in, or tolerance of, child trafficking. Should the prostitution problem be identified as sex trafficking, it is likely that low-level ROYG officials would be at minimum aware of the practice.

M. The ROYG has not taken any action against officials for involvement in TIP.

N. Although there are reports that some prostitutes are under the age of 18, Yemen is not identified as a child sex tourism destination. There are no confirmed reports on the number of child prostitutes.

O. Yemen ratified the Slavery Convention of 1926 in 1987. In 1989 the government ratified the Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others. The government ratified the Rights of the Child Convention in 1991, along with the Optional Protocol on the Rights of the Child in Armed Conflict. ILO Convention 182 Concerning Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor was signed and ratified in 1999. In July 2004 the ROYG ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children.

Protection and Assistance to Victims

A. The government provides limited assistance to trafficked children. For repatriated trafficked children, there is one fully operational reception center in the Harath region established in May 2005. The center, run jointly by the ROYG and UNICEF, provides social services, limited medical care, and attempts to reunite TIP victims with their families. In 2006, the center received 796 children, of which 758 were returned to their parents after a pledge that their children would not be smuggled again. Twelve children were sent to other care centers in Sanaa, Hodeidah and Hajja, while 25 children continue to remain in the center. All children who entered the center were male, except for one female, aged 9, who entered with her brother. After four days in the center, both were handed back to their father.

There is not enough evidence to indicate that prostitution in Yemen involves sexual trafficking for women over the age of

majority and the government did not care for prostitutes. With underage prostitution, the traditional nature of Yemeni society and sexual taboos make it difficult to assess or to investigate what aid, if any, may be given to potential victims. If there is government or NGO assistance to victims of underage sex trafficking, it is likely limited and sporadic and closely guarded by the women and their families. At this time, without assistance, Yemen is mostly incapable of handling TIP victims since the ROYG lacks adequate funding, resources, and capacity to deal with such an issue.

The ROYG has begun to demonstrate political will in dealing with child trafficking. It is not possible to assess whether or not the same political will exists to combat sexual oriented trafficking since it has not proven to be a significant problem in Yemen.

1B. The Government does not provide funding to NGOs to help victims of trafficking.

1C. While no referral process for NGOs exists, law enforcement officials do transfer repatriated children from Saudi Arabia to the Harath Reception Center or a smaller MLSA facility in Hajja. If children cannot be re-united with their families, MLSA places children in public orphanages.

1D. There are credible reports that several returned children were initially held in custody for up to a month before being returned to their families. Child prostitutes who are picked up by authorities are routinely incarcerated and prosecuted, although nothing is known about the outcome of their cases. Some children prostitutes are released to third parties, most likely pimps, while others are reportedly let go in the streets without any support system.

1E. There is no known judicial program to aid victims of trafficking in understanding their rights or seeking legal redress.

1F. Yemen does not provide any significant assistance to protect victims or witnesses of trafficking. The government provides limited support through the Harath and Hajja reception centers to trafficked children, including temporary shelter, social services, and limited medical care.

1G. In 2005, in cooperation with UNICEF and IOM, the ROYG trained 17 staff of the new Harath reception center on shelter management and trafficking victim assistance. Two additional individuals -- one with the MLSA and the other with a Yemeni NGO expected to take over the center in 2006 -- they were also trained in order to maintain continuity. It is presumed that this continuity has taken place, yet there is no system in place to measure the sustainability. The ROYG has been cooperating with Saudi Arabia, but not specifically on training. There are no reports of cooperation with any other foreign countries or embassies to provide training on TIP victim protection. The ROYG also does not urge those embassies to develop on-going relationships with NGOs that serve TIP victims.

1H. The ROYG provides limited assistance to repatriated Yemeni children by providing temporary shelter and assistance in reuniting children with their families.

1I. UNICEF and IOM are the sole international NGOs that focus on trafficking in persons in Yemen. They both worked with TIP victims in the last year. The AFSWJ works with prostitutes, but does not focus specifically on sex trafficking. AFSWJ provides limited legal and rehabilitative services to women. The Saleh Foundation is expected to take over the administration of the new Harath reception center. HCMC works within the Presidency of Council of Ministers to lobby for child protection laws. These NGOs are all possible partners for TIP assistance programs that could focus on the protection of trafficking victims.

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